

REMARKS

Claims 1-34 are pending. By this Amendment, Claims 1, 5, 12, 20, 25, 28 and 31-32 are amended.

Applicant gratefully acknowledges the courtesy extended by the Examiner to Applicant's undersigned representative during the August 7, 2006 telephone conference, during which the Examiner agreed that the currently applied prior art does not appear to disclose or suggest the claimed feature of the user uploading audio content, for example to an interactive video casting system, for example to accompany visual content received by the user from the interactive video casting system.

Claim Rejection – 35 U.S.C. §103

Claims 1-3, 8-10, 12-17, and 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller (U.S. Patent Application Publication No. 2002/0103822) in view of Becker *et al.* (U.S. Patent No. 6,192,341, hereinafter "Becker"). This rejection is respectfully traversed.

Exemplary embodiments of the present invention encompassed by the claims, are directed to allowing a user to augment or supplement interactive television (iTV) content presented to the user, with audio selected by the user. The audio can be provided by the user, e.g. uploaded to the interactive video casting system by the user from the user's terminal. The supplemental audio can for example include music, audio from another channel (e.g. a football game), internet radio, and recorded speech (e.g., shopping instructions from a spouse). Thus a user can listen to music, a football game, or a spouse's instructions while he peruses a shopping channel. The system can also select supplemental audio for the user by observing the user's viewing habits and then selecting audio based on the observations, or by presenting the user with a series of questions and then selecting audio based on the user's answers to the questions.

Miller discloses a service provider downloading content (e.g. a web page) including a customized object to a client machine via the Internet, where the object has links that allow the client machine to communicate with an agent web server through the Internet to download auxiliary

data (e.g. advertising) to the client machine. The Examiner argues that the "user" recited in the claims can be located at Miller's content provider, or at a client terminal as taught by Becker. Becker teaches a user at a client terminal customizing audio/video according to the user's preference. Becker does disclose a sensory-impaired user selecting the format of audio communications (e.g. volume, and tone frequency).

However, Miller and Becker both fail to disclose that the user uploads the audio to the interactive video casting system in the first place, as encompassed by the independent claims. Miller teaches that the content provider server, not the client machine, uploads information to an agent server (see e.g. Miller at paragraph 0059). Becker, Pugliese and Carey fail to overcome this deficiency of Miller. In particular, Becker discloses a user selecting a volume and frequency of a tone, but fails to disclose or suggest the user uploading audio content.

Moreover, Claim 1 in particular specifically recites that the user is an end consumer of advertising on the shopping channel. Accordingly, the user would not be at Miller's content provider, since content providers are not end consumers.

For at least the above reasons, withdrawal of the rejection of Claims 1-3, 8-10, 12-17, and 22-24 under 35 U.S.C. §103(a) over Miller in view of Becker is respectfully requested.

Claims 4, 5, 18, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller and Becker and further in view of Pugliese *et al.* (U.S. Patent Application Publication No. 2001/0044751, hereinafter "Pugliese"). This rejection is respectfully traversed.

Pugliese discloses online shopping, where a user can receive assistance (e.g., an artificial intelligence provides assistance/simulates a live assistant, paragraph 0008) and can listen to Internet radio (paragraph 0386). However, Pugliese fails to overcome the deficiencies of Miller and Becker with respect to allowable independent Claims 1 and 12, and therefore dependent Claims 4, 5, 18, and 19 are likewise allowable for at least the same reasons. Withdrawal of the rejection of Claims 4,

5, 18, and 19 under 35 U.S.C. §103(a) over Miller and Becker in view of Pugliese is respectfully requested.

Claims 6, 7, 11, 20, 21, and 25-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miller and Becker and further in view of Carey *et al.* (U.S. Patent Application Publication No. 2002/0112035, hereinafter "Carey"). This rejection is respectfully traversed.

Carey discloses a system for enhancing a user's online experience, intended for example to be used by a vendor to increase customer satisfaction, traffic and sales via the Internet. However, audio content provided to the user is not selected by the user, but rather by the vendor with the aid of a "recommendation engine" and behavior of the user that the vendor (or the vendor's tracking tool) has observed. In Carey the audio content is selected by the vendor to influence the user, and thus Carey teaches away from the *user* selecting or providing the audio content.

In addition, Carey fails to overcome the deficiencies of Miller and Becker with respect to allowable independent Claims 1 and 12, and similar features recited in independent Claims 25, 28 and 31.

For at least the above reasons, Applicant respectfully requests withdrawal of the rejection of Claims 6, 7, 11, 20, 21, and 25-33 under 35 U.S.C. §103(a) over Miller and Becker in view of Carey.

Applicant further notes that Miller, Becker, Pugliese and Carey, when considered both separately and in combination, fail to disclose or suggest that *the audio content previously uploaded by the user includes a voiceover to provide the user with instructions regarding actions on the shopping channel*, as recited in Claim 5, and similar features recited in Claims 20 and 32.

CONCLUSION

Applicant respectfully submits that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

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Respectfully submitted,

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